IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

MACA.No. 143 of 2007

OPMV.1335/1998 of MOTOR ACCIDENT CLAIMS TRIBUNAL, PATHANAMTHITTA
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APPELLANT/PETITIONER

VIJAYAN.N., S/O.NARAYANAN,
PALATHITTA THUNDIYIL, PADINJATTUM MURI,
PODIYADI P.O., THIRUVALLA, PATHANAMTHITTA
DISTRICT.

BY ADV. SRI.K.S.VIJAYAKUMAR

RESPONDENTS:
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1. MANOJ.R., S/O.RAMAN,
ERAUMATH PARAMPU, KIZHAKKUMMURI,
THIRUVALLA.

2. DEVARAJAN, S/O.BHAVANI,
KAKURINJIYIL, PERINGARE P.O.,
THIRUVALLA.

3. GEORGE VARGHESE, THEKKEVEETTIL,
KUMPLAMPOIKA, PATHANAMTHITTA.

4. THE BRANCH MANAGER,
NATIONAL INSURANCE CO.LTD.,
THIRUVALLA BRANCH.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

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M.A.C.A.No.143 OF 2007

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Dated this the 24th day of September, 2007

JUDGMENT

Radhakrishnan, J

This appeal is preferred by the claimant seeking enhancement of compensation amount awarded by the Tribunal. Petitioner's case is that while he was riding his scooter bearing Reg.No.KL-3/B-1021, an autorikshaw bearing Reg.No.KL-3/2246 driven by the first respondent came from the opposite side in a rash and negligent manner dashed against his scooter. Petitioner sustained multiple injuries in the accident. Petitioner claimed a compensation of Rs.2,00,000/-. Tribunal after considering the entire aspects of the case awarded a compensation of Rs.57,500/- with 9% interest. As per Ext.P9 disability certificate, the percentage of disability is 27%. Considering the nature of the injuries sustained to the petitioner, the reasons for the assessment of disability shown in Ext.A9 certificate and other relevant facts, Tribunal had fixed percentage of disability at 10%. There is

no material on record to show his exact period of hospitalisation.

In such circumstances, we are of the view that the amount awarded by the Tribunal is just and proper. Hence, this appeal is dismissed.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

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